



Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019

Country report: France

Geisel García Graña, CEVIPOF; Sciences Po Paris

Marjorie Grassler, CEVIPOF; Sciences Po Paris

Thierry Vedel, CEVIPOF; Sciences Po Paris

© European University Institute 2020

Content and individual chapters © Geisel García Graña, Marjorie Grassler, Thierry Vedel, 2020

This work has been published by the European University Institute,
Robert Schuman Centre for Advanced Studies.

This text may be downloaded only for personal research purposes. Additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the authors. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the year and the publisher.

Requests should be addressed to cmpf@eui.eu

Views expressed in this publication reflect the opinion of individual authors and not those of the European University Institute.

Centre for Media Pluralism and Media Freedom
Robert Schuman Centre for Advanced Studies

Research Project Report
RSC / Centre for Media Pluralism and Media Freedom
QM-01-20-148-EN-N
Published in July 2020

European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)
<https://cadmus.eui.eu/>



The Centre for Media Pluralism and Media Freedom is co-financed by the European Union. This publication reflects the views only of the author(s), and the Commission cannot be held responsible for any use which may be made of the information contained therein.

TABLE OF CONTENT

1.	About the project	5
1.1.	Overview of the project	5
1.2.	Methodological note	5
2.	Introduction	7
3.	Results from the data collection: assessment of the risks to media pluralism	8
3.1.	Basic protection (24% - low risk)	9
3.2.	Market plurality (45% - medium risk)	10
3.3.	Political independence (8% - low risk)	12
3.4.	Social inclusiveness (26% - low risk)	14
4.	Pluralism in the online environment: assessment of the risks	17
5.	Conclusions	20
6.	References	21

Annexe 1. Country Team

Annexe 2. Group of Experts

Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019

Country report: France

Geisel García Graña, CEVIPOF; Sciences Po Paris

Marjorie Grassler, CEVIPOF; Sciences Po Paris

Thierry Vedel, CEVIPOF; Sciences Po Paris

1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States and Candidate Countries of the European Union, and considering both online and offline news environments. This narrative report has been produced within the framework of the implementation of the MPM carried out in 2019, under a project financed by a preparatory action of the European Parliament. The implementation was conducted in 28 EU Member States, Albania and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological note

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF.

In France the CMPF partnered with Geisel García Graña, Marjorie Grassler, Thierry Vedel (CEVIPOF; Sciences Po Paris), who conducted the data collection, scored and commented the variables in the questionnaire and interviewed relevant experts. The report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts).

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1 below).

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for people with disabilities
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Media literacy

Table 1: Areas and Indicators of the Media Pluralism Monitor

The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor allows for an extraction of a digital-specific risk score and the report contains a specific analysis of risks related to the digital news environment. The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are

considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk.

On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2020 scores may not be fully comparable with MPM2017 ones. For more details, see the CMPF report on MPM2020, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

By January 2020, France counts 67 million inhabitants, an increase of 0,3% over 2019. The different geographical areas are composed of: The Metropolitan France, with 96 departments (64,898,000 people), 22 regions, and the overseas departments and territories - DROM - (2,166,000 people). This last ones add up to a total of five overseas departments and six overseas territories (regions).

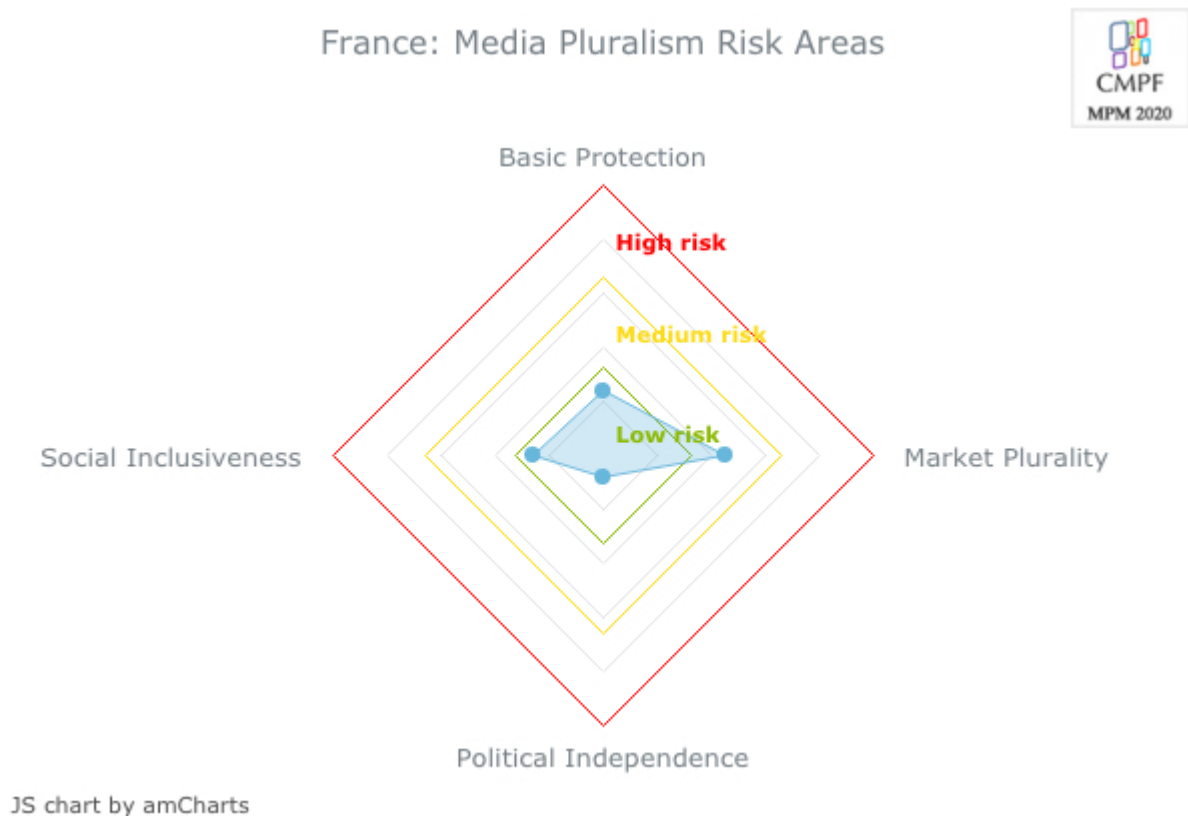
While French is the official language, several regional languages are present in the country, together with others spoken in France's overseas territories. Within the diverse geographic areas, 15 local languages are used in the Public Service Media, such as Alsatian, Basque, Breton, Corse, Catalan, Occitan, Picard, Franco-Provençal, Frankish, Normand, Gallo, Champenois, Poitevin-Saintongeais, Kanak languages, Creole languages and Walloon.

France has been governed since 2017 by the centrist and liberal leader of *La République en Marche*, Emmanuel Macron, who has impulsed several structural reforms. Among them, the implementation of the new diesel and petrol tax, which has led to a new form of movement called the Yellow Vests. The protesters, supported by the people and issued from peripheral towns, cities and rural areas, have been using violence against journalists, as they consider the media to be part of the conflictive sociopolitical situation. In addition to this, members of the police forces have also used coercive measures against journalists.

While facing the biggest fall in trust (24%) and despite having a powerful media industry, the French media ecosystem is still struggling with its adaptation to digitalisation. There are 369 general information newspapers, 1,512 local media in France and 31 terrestrial television channels. Out of these, 41 local channels are present in the metropolitan area and 26 public and private channels operate within the overseas departments and territories. Regarding the radio stations, more than 1,000 private and public operators broadcast in France and overseas and nearly 4,700 frequencies can be used on the FM band. The three companies responsible for the public service radio emission are: *Radio France*, *France Télévisions with radio Outre-mer 1ère* and *France Médias Monde with Radio France Internationale (RFI)*.

Surrounded by this context, the last presidency stated the will of transforming the public service media into a French BBC. As a consequence of the future audiovisual reform, all public media will be concentrated in one holding, raising fears of bringing back the ancient *Office de Radiodiffusion Télévision Française (ORTF)*. The law, commonly known as “Anti Fake News”, is another important reform of the assessed period that embodies the need for more regulation of the new digital landscape.

3. Results from the data collection: assessment of the risks to media pluralism



The indicators of Basic Protection of Media Pluralism reveal that the risks are still in the low range (24%) due to a strong legal framework. The recent protests within the movement of Yellow Vests have shown that the media are experiencing a deep trust crisis that has involved violence and harassment against offline and online journalists. The upholding of the profession standards could also be at stake since the status of self-employment is more and more frequent. Moreover, the confidentiality of sources has been threatened since several journalists were asked to disclose the origin of their sources by the internal information services.

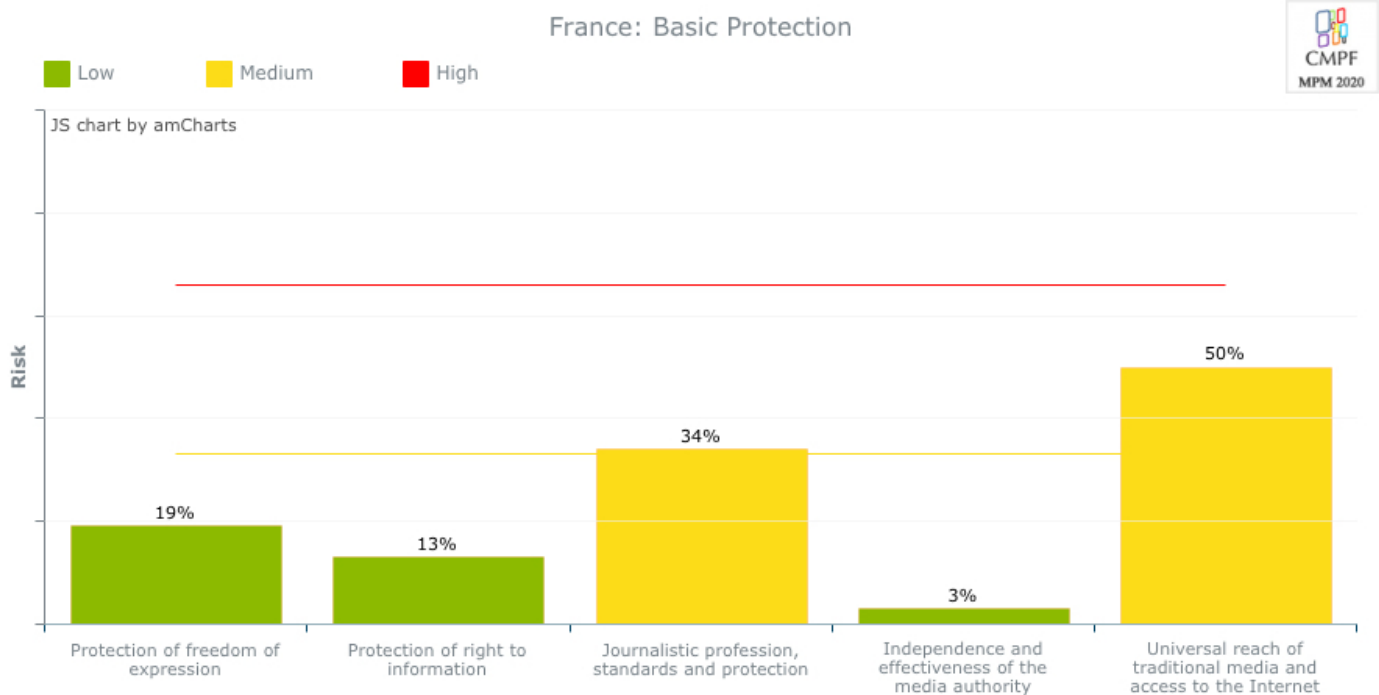
On the other hand, the analysis of the Market Plurality (45%) shows that media concentration has turned into an increasingly important issue over the years. The legal framework proves to be solid when preventing massive concentration but it's not strong enough to avoid cross-media concentration. The lack of data on digital market shares is another missing piece of the already scarce information on the activities of media ownership; at the same time, evidence of digital platforms' dominance inside the online advertising market, raised concern and encouraged several initiatives by authorities and regulators.

The period of evaluation stands out for the imposition of new regulations against the dissemination of fake news through sponsored content and robotic systems, as well as financial transparency obligations applied to platform operators. The law "Anti Fake News", also established a duty of cooperation among platforms, which were also compelled to ensure measures aimed to fight this type of content.

On the online sphere, French society has laid on the table several debates that tackle the definition of boundaries among public and private life and between freedom of speech and respect to diversity and human rights. Social inclusiveness is marked by small, still insufficient, steps towards greater representation of French society's diversity in the media.

3.1. Basic Protection (24% - low risk)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector, and the reach of traditional media and access to the Internet.



In France, the right to freedom of expression is written in the Constitution (1958) and recognised as a fundamental right by the Declaration of the Rights of People and of the Citizen (DDHC). According to the law stated on July 17th 1978, the limitations refer mainly to offline environments and are related to defamation, insult and speech that promotes hatred and/or incites to violence. Amnesty International reminds that it is difficult to determine if a statement constitutes an incitement to violence. Press law made it possible to preserve conditions favorable to this peaceful examination, but the criminalisation of the "apology for terrorism", adopted at the end of 2014, favoured the disproportionate multiplication of prosecutions and convictions with heavier penalties.

Meanwhile, the law against the hate speeches on the Internet ("*Loi contre la haine sur Internet*" or "*Loi Avia*"), adopted for discussion by the Senate on December 2019, aims to withdraw contents that encourage terrorism, violence or hate against minorities, and others. Associations, parties and political institutions denounce a counter-productive text that may give more power to large online platforms. David Kaye, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, has sent out a letter to the French government in which he expresses his worries about the consequences of this law. For example, in this document he addresses the responsibilities of the private companies to manage online contents or the possible massive use of artificial intelligence to control contents.

Thanks to the strong legislation, both the **Protection of Freedom of Expression** (19%) and the **Protection of Freedom of Information** (13%) are guaranteed. The freedom of access to administrative documents is under the responsibility of the Administrative Documents Access Commission (CADA). According to the defender of rights

Jacques Toubon, France -that has also got a law to protect the whistleblowers- could have an interest on reinforcing the framework that gives better protection to the whistleblowers against the risk of isolation and reprisals. Until now, internal reporting procedures must be implemented by the private and public sector entities that employ at least 50 employees. These procedures must ensure strict confidentiality of the identity of the whistleblowers, the identity of the person on whom the report is made (the person being the object of the report) and the collected information.

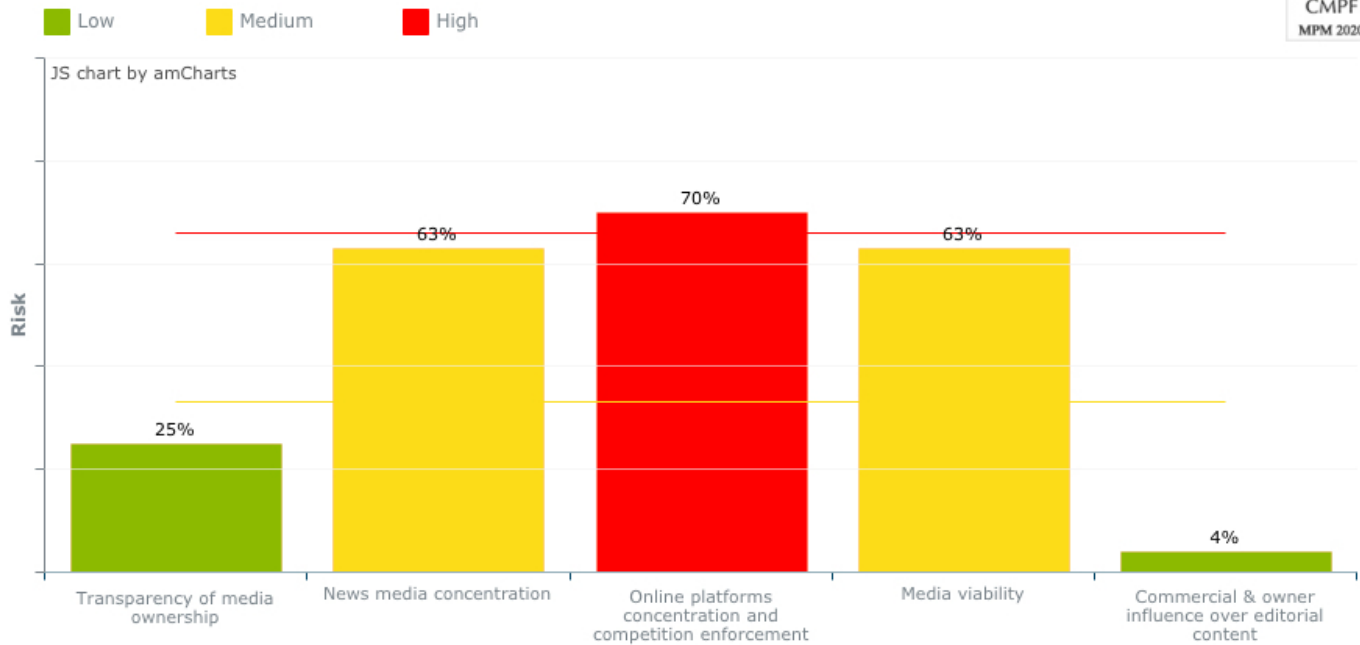
On March 2019, the SCAM (*Société civile des auteurs multimedia*) published a research describing the extreme deterioration of the conditions of the profession of Journalism. According to Lise Blanchet, president of the SCAM's Committee of Journalists, journalists in France are in a sparse, diverse and unstable situation. With the status of self-employment we witness the dissolution of the press card, said Blanchet. As announced by Reporters Without Borders, attacks and harassment targeting news media and journalists seriously increased since 2018. Despite not having data on aggressions to female journalists, multiple cases of physical threats and attacks have taken place, especially during the Yellow Vest movement protests. Although the secrecy of sources is legally guaranteed in practice, there have been several cases in which this insurance has been threatened, such as the summoning to the intelligence services of eight journalists who were investigating the use of French weapons in Yemen. Journalists, among others voices, denounced a formal attack on press freedom and the secrecy of sources. Therefore, even if the profession is open, and no journalists have been reported as killed or arbitrary arrested so far, the indicator on **Journalists Protection Standards and Profession** is considered to be at a medium risk (34%).

The **Independence of the media authority** (3%) is not a concern yet. The CSA, that guarantees the freedom of audiovisual communication, has the mission to regulate the contents for the public and to nominate the presidents of the national program companies. Sanctions imposed by the CSA can directly suspend a broadcast, put into practice a financial penalty, and reduce or withdraw authorisations to broadcast. The appointment of the CSA members is done by the president of the Republic, the National Assembly and the Senate. However, the Council is living its last months since the new audiovisual law will merge it with the Hadopi authority.

The results of the analysis of the **Universal reach of traditional media and access to the Internet** (50%) show a medium risk. Although the Internet reach range for 2019 is 93%, 10.1% of the population is deprived of minimum quality access to the Internet (more than 3 Mbits per second). On the other hand, on February 2018, a conflict between the ISP Orange and the private channel TF1 worried the net neutrality defenders: Orange denied paying a high financial compensation in order to broadcast TF1 programs. The CSA reacted by showing its concerns and offering itself as a mediator to end the conflict. The same situation happened a few months later with the group Altice. The CSA authorised the company Free not to broadcast the channels of the Altice group; later on, an agreement was found. This kind of situation is particularly worrying since it directly affects the viewers.

3.2. Market Plurality (45% - medium risk)

The Market Plurality indicators examine the existence and effectiveness of provisions on transparency of media ownership and the existence and effectiveness of regulation or self-regulation against commercial & owner influence on editorial content. In addition, they assess the risks related to market concentration in the production as well as in distribution of news: as for production, considering separately horizontal concentration in each sector and cross-media concentration; as for distribution, assessing the role of online platforms as gateways to news, the concentration of online advertising market, and the role of competition enforcement and regulatory safeguards in protecting information pluralism. Moreover, they seek to evaluate the viability of the news media market.



The results of the analysis of the Market Plurality area show a medium risk (45%). The degree of media concentration in France needs to be taken into account very seriously. Even though massive concentration can still be avoided due to the actual legal framework, it seems not to be enough, especially since the digitalisation of the media.

The **Transparency of Media Ownership** (25%) is guaranteed in France by article 19 of the law, which aims at the strengthening of the freedom, independence and pluralism of the media. This constrains the media outlets to indicate the composition of their capital as well as to inform on its management once a year. It is important to notice that regarding print and online media there are no reports that inform about the effectiveness of article 19. The 2017 study “Who Owns the Media? The Media Independence Project” recommended developing a new transmedia approach to media regulation. The study argued that, as a result of the digitalisation, there is a growing concern about the optimal ownership regulation: one of the main issues today is in fact that we lack information on ownership.

The lack of updated data concerning the market share is a barrier that blocks an accurate assessment about the **News Media Concentration**, which scores high risk (63%). The efficiency of the laws that regulate the concentration in France could be questioned, especially since the digitalisation of the media. For instance, as commented by ACRIMED, the law *Léotard*, which regulates telecommunications, has not changed significantly in 34 years. For the press, the law limits the ownership up to 30% of the total circulation of the political and general daily news press in order to avoid the creation of a big group of press. The local news media is particularly affected by the concentration being in the hands of a few media companies. It is also interesting to note that there is no specific authority for the regulation of ownership of the press. Regarding radio and television, the CSA is the body that is consulted by the Competition Authority in case of concentration operations. It can also be sanctioned if the decision is not respected. After an in-depth public consultation phase carried out on autumn of 2019, the Authority will adopt new "guidelines" for concentration control at the start of 2020.

The **Online Platforms Concentration and Competition Enforcement** indicator obtains a high risk result (70%). The first issue that raised is the predominance of side-door access to news online: according to the Digital News report, 38% of people who access news online uses a direct access, while the others access news through social network, search engines and aggregators. Additionally, the duopoly of Facebook and Google is very complicated to avoid since these companies represent more than 70% of the advertising market. French media groups are trying to federate their

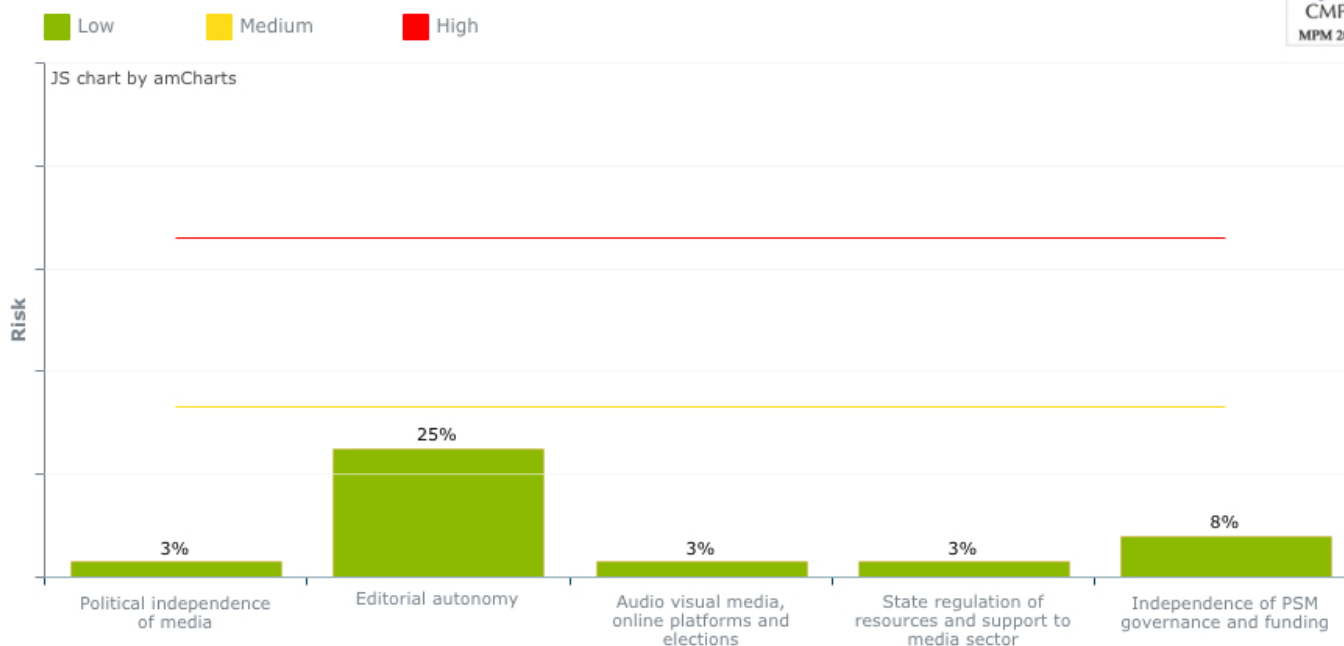
inventory in order to counter the rise of Google and Facebook and to regain this sensitive area and the profiles of their users. At the beginning of the year (2019), the Concurrence Authority ordered emergency measures against Google to clarify the Google Ads Advertising Rules for Paying Information Services electronically to make them more accurate, understandable and to ensure their application under non-discriminatory conditions. On March, Google was fined for the amount of € 1.49 billion for abusive online advertising practices. This was neither the first time nor the last.

The indicator **Media Viability** scores high risk (63%). Taking into account the particularities and evolution of the media sector is not enough to slow down the degree of concentration, since advertising revenues are not enough to support media economically anymore. Advertising revenues for Television, Printed Media, Radio, Outdoor Advertising and Cinema declined by one-third between 2000 and 2017. Between these years, paper advertising revenues decreased by 71% from € 5.4 billion to about € 1.5 billion. Regional daily newspapers also saw their revenue drop by almost 20% between 2006 and 2016. Estimates of the agency Zenith (Publicis Media) project a 22% drop in revenues between 2017 and 2020 for the paper sector. Since 2017, the French authorities have defended the introduction of a GAFA tax. It targets companies that generate revenues of over € 750 million in their digital businesses worldwide, out of which € 25 million may be linked to users located in France (a total of 26 companies). This tax is intended to be applied until a reform is adopted at the OECD level.

However, the indicator related to **Commercial and Owner Influence over Editorial Content** is very low (4%) thanks to the outstanding protections enjoyed by French journalists (*clause de conscience and clause de cession*). Due to the change of ownership in *Le Monde*, *Le Monde* journalists signed an open editorial last September asking their shareholders to recognise a right of admission guaranteeing their editorial independence. The main shareholders, Niel and Pigasse, signed it.

3.3. Political Independence (8% - low risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of public service media. Furthermore, the area concerns with the existence and effectiveness of (self)regulation in ensuring editorial independence and availability of plural political information and viewpoints, in particular during electoral periods.



The Political independence area scores an overall 8% risk as there is little evidence of political control over public or private media.

The indicator of **Political independence of media** scores 3% (low risk). Political independence-related legal safeguards are well guaranteed in France through several laws, regulators mechanisms and a plurality of players within the media, ready to denounce any attempt of influence. The main legal provisions in this area are the ACT no. 2013-907 of October 11th, 2013 on transparency in public life, the Act No. 86-1067 of September 30th, 1986 on freedom of communication (article 29, which regulates the authorisation power of the frequency spectrum allocation), the Act of the Freedom of the Press of July 29th, 1881 (Article 2) and the Act of November 14th, 2016, which reinforces freedom, independence and pluralism, and offers new missions to the CSA related to that end.

Every media is obliged to have a deontological charter, written jointly with the direction and representatives of the journalists. In addition to this, the creation of a committee for honesty, independence and pluralism of the information for emissions of political information, is mandatory on every media outlet (article 30-8 of the Act on the freedom of communication). The committee is responsible for contributing to the implementation of the deontological charter and informing the CSA of every act that could potentially contravene those principles.

The indicator of **Editorial autonomy** scores 25% for a low risk. A non-restrictive law includes appointments and dismissals of editors-in-chief in France. In this area, the figure of the societies of journalists is very important, since it plays a fundamental role in the preservation of the editorial independence of the newspaper in which its members work. The CSA also contributes, through monitoring, to the compliance of the deontological principles, and to guarantee that economic interests of the shareholders and advertisers do not act against those principles (Act on the Freedom of Communication of September 30th, 1986; article 3-1).

The indicator on **Audio-visual Media, online platforms and elections** also scores a low risk (3%). Impartiality in news and informative programmes on PSM and private channels and services is ensured through a complex regulation that distinguishes among audiovisual media, electronic media and press. During election periods, the CSA monitors within audiovisual media the fair representation of political actors and political viewpoints in the news and information broadcasts, under a declarative scheme. A general legal framework is defined by the Deliberation of January 4th, 2011,

in which the principle of political pluralism in radio and television services during electoral periods is stated. More rules are specified by the CSA on every election period. For the European elections of May 25th, 2019, these rules were framed by the deliberation of the CSA dated on November 22nd, 2017, which came into force on January 1st, 2018.

Rules on political advertising are very restrictive in France. For audiovisual media, any advertising of a political nature is prohibited, according to Article 14 of the Law on the Freedom of Communication of 1986. During the election periods, online political advertising is forbidden, according to Article 52 of the electoral code, which bans any commercial advertising process through the press or by any audiovisual communication media (including social networks) during the 6 months preceding the first day of the month of the elections. The Anti-Fake News Law (law n° 2018-1202 of December 22nd, 2018, related to the fight against the manipulation of information) states obligations for transparency during electoral periods. Digital platforms such as Facebook and Twitter are subject to transparency obligations when they distribute content for remuneration. Those that exceed a certain volume of connections per day must have a legal representative in France and make their algorithms public.

The law No. 2018-1202 of December 22nd, 2018 on the fight against the manipulation of information, modified the electoral code in order to include regulation in this field. According to Article L163-1 of the Electoral Code big online platform operators must, during the three months preceding the first day of the month of the general election and until the date of the ballot, 1) provide the user with fair, clear and transparent information on the identity of the person who pays compensation to the platform in return for the promotion of news content related to a debate of general interest and 2) make the amount of the remuneration received in exchange for the promotion of such information contents public when the amount is higher than a certain threshold. According to the same article, this information is collected in an electronic register made available to the public in an open format, and regularly updated.

The Indicator of **State regulation of resources and support to the media sector** shows minimal risk (3%). Direct subsidies to media outlets are distributed in a fair and transparent manner. Several rules and exceptions are taken into account in the final calculation of specific subsidies to the press, which is divided into three categories: 1) Direct payments (206,8 M€ in 2020); 2) The indirect aids (tax and social security reduction, preferential rates with the post office, etc.; 220,5 M€) 3) Social aids (114,1 M€). The transparency of the policy is based on the budget information annexed to the Finance Bill, which clarifies the calculation method.

Investments in advertising spaces by the state are regulated and spread over all media: Internet, TV, Press, Display, Radio, Cinema. The Internet has become the first media on which the State invests.

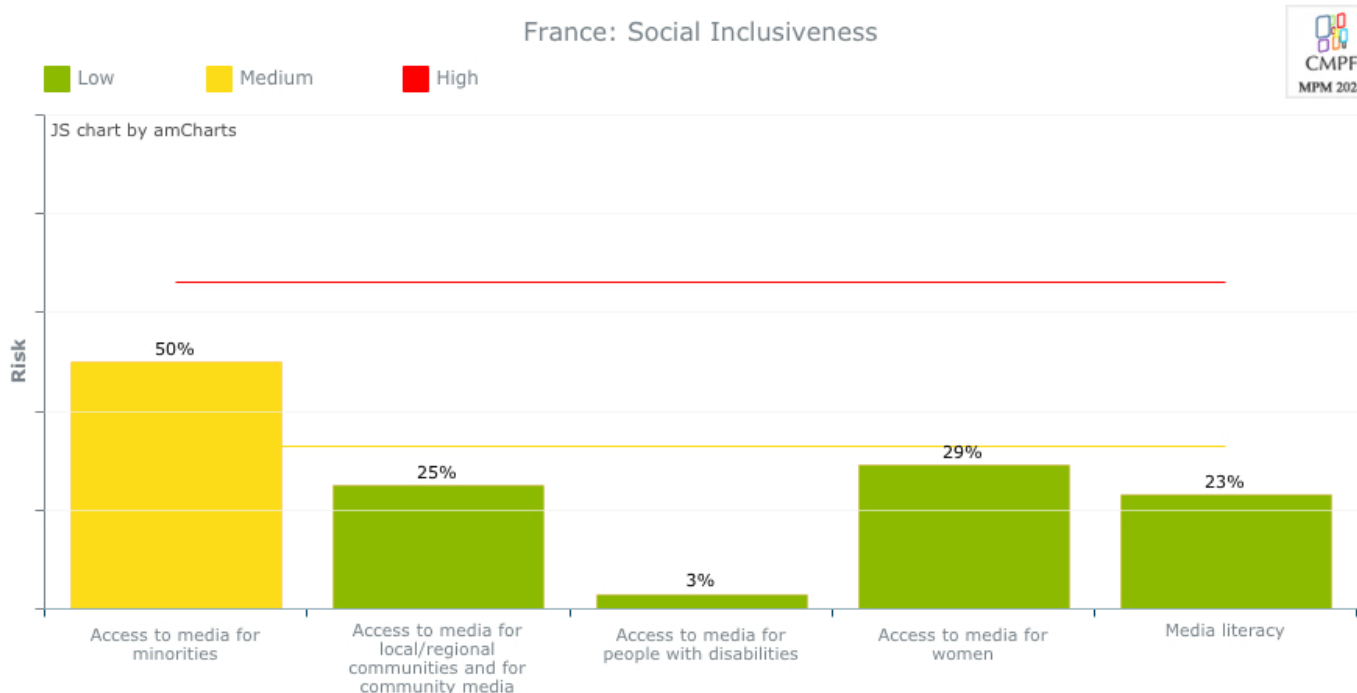
The Direction of purchases of the State keeps watching over the performance of the public contracts that it has concluded on its behalf. The media agency market is highly concentrated, led by the five global communication groups (Publicis Media, Havas Media, WPP, Omnicom, Dentsu Aegis Media and Interpublic Group). With the digital transformation, many small agencies specialised in the digital environment and GAFAM (Google, Amazon, Facebook, Apple) have also appeared in this market.

The **Independence of PSM governance and funding** indicator scores at 8% (low risk). The appointments procedures for heads and boards of PSM are laid out by the 1986 Law on Audiovisual Communication, which must be motivated by a good professional career and criteria of competence and experience. On the other hand, financing is implemented with regulatory safeguards in the form of contracts among the State and France Télévision, Radio France, France Media Monde, Arte-France and l'Institut National de l'Audiovisuel, based on a sufficient public discussion procedure.

3.4. Social Inclusiveness (26% - low risk)

The Social Inclusiveness indicators are concerned with access to media by various groups in society. The indicators assess

regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country's media literacy environment, as well as the digital skills of the overall population.



The Social inclusiveness area scores an average of 26% (low risk).

Medium risk (50%) is scored again for the indicator on **Access to media for minorities** due to the inaccessibility of data and particularity of the approach to the subject in the French context, where the concept of minorities is not recognised and ethnic statistics collection is illegal. Minorities are not understood in French law as particular groups and all citizens have the same rights and obligations regardless of their origin. The concept of "diversity" is the French way of guaranteeing that diverse backgrounds present in French society are visible in programs via journalists, entertainers, candidates, game shows or reality TV, interviewees in the news or fictional characters (Obligation by Article 3 of the Law of Communication of 1986). The CSA works systematically on improving the performance of this indicator through its Barometer of diversity, which monitors the presence of diverse people in terms of ethnic perception, gender, age and socioeconomic backgrounds, among others.

Some studies have shown that people do not see diversity represented in the daily broadcasts. CSA's latest research in this field (2018) shows some evolution regarding diversity in comparison with previous years. Representation of perceived as "non-white" people increased by one point (17%, while it was of 16% on 2016 and of 14% on 2014 and 2015). However, people with disabilities, the youngest and the oldest, the lower socio-professional and inactive categories, the precariousness and the diversity of territories remain underrepresented.

The indicator of **Access to media for local and regional communities and for community media** scores low risk (25%). The majority of French local TV services benefit from an adequate level of funding. Several mechanisms that support daily and non-daily press coverage of political and general information at local, regional, and national levels also contribute to pluralism and diversity of local media. It is worth mentioning that the concept of community media is not common in France. The closest figure to community media is the associative media, which is very significant for radio and press and (not for television) as it is open to participation in the creation of content and also a distinct group within

the media sector alongside commercial and public media. Associative media are addressed to specific target groups and pursue social benefit. In 2010, the Law on Audiovisual Communication was modified to include regulation for this particular category of media (Article 29): "The Superior Council of Audio-visual makes shure that a sufficient share of the frequency resources is allocated to the services published by an association on the whole of the territory. It also ensures that this share is fulfilling a mission of proximity social communication, understood like the encouragement of exchanges between social and cultural groups, the expression of different socio-cultural trends, support for local development, environmental protection or the fight against exclusion."

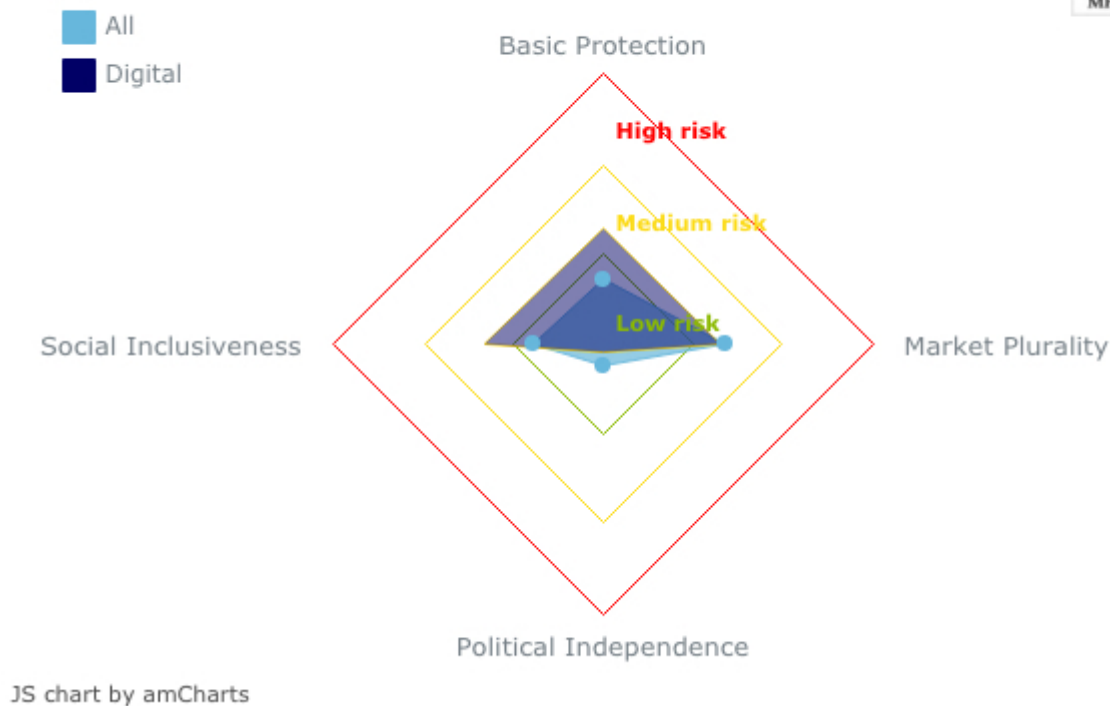
The indicator on **Access to media for people with disabilities** scores low risk (3%) as main media are obliged to offer and offer in practice suitable services to deaf and people with hearing loss as well as for blind and people with visual impairments on the totality of its broadcasts (Article 28, 33-1, and 53 Law on the Freedom of Communication). For other services with a smaller audience, the proportion of accessible broadcasts is to be convened with the CSA, according to criteria of diversity and the coverage of the prime time. The CSA works in this area, in collaboration with the representative associations of people with hearing impairments, in order to know the needs for subtitling in the audiovisual broadcasts. Obligations for subtitling are present in the form of conventions and contracts of objectives and means between the State and the media services.

The indicator of **Access to media for women** shows a low risk (29%). We can observe sufficient regulation and efforts taken by the Public Media Service and the CSA in terms of policies to gain gender parity in the media. In 2018, television channels submitted to the CSA qualitative and quantitative indicators about the representation of men and women in their broadcasts. The CSA estimated that the presence of women was in a slight decrease (39%), particularly on the radio. The tax of experts in broadcasts improved since 2017 (37%) while the proportion of political guests is still weak (27%; -5 points compared to 2016). However, women have never been so well represented in the National Assembly (39%). While the share of women on PSM management boards and executives is adequate (51 and 100%, respectively), these figures are very low in private channels (22 and 0, respectively).

The indicator on **Media literacy** scores low risk (23%). Media literacy policy in France is very comprehensive and a significant amount of resources, standards-setting tools, teacher training, and curricular and non-curricular programmes take place. A solid and complex network of public and private players in the field provide training and media literacy-related activities. Media literacy, as a subject, is present in the education curriculum as a separate subject (Media and ICT education) as well as an inter-disciplinary and cross-curricular issue that is part of syllabuses at all stages of education. Nonetheless, the media skills figures score at a medium risk: only 57% of individuals count on basic or above basic communication skills and a significant share of the population (32%) has got low overall digital skills.

4. Pluralism in the online environment: assessment of the risks

France: Media Pluralism Risk Areas - Digital



Basic protection

The 2015 terrorist attacks in France are still in the mind of the legislator, particularly with the intelligence law that raised all the alarms of the opponents. In the name of the fight against terrorism, the government will continue to install “black boxes” on the ISP to keep under surveillance the behaviour of people considered suspicious.

On the other hand, Reporters without Borders notes that “journalists are not immune to online harassment and are becoming a prime target for trolls of all kinds hidden behind their screens and pseudonyms”. This problem is particularly noticeable for women. In France, the situation has been illustrated with the case of “*La Ligue du LoL*”. Recently voted, the law Avia is one of the new tools of the state to fight against online hatred. Apart from listening to the criticisms, it will be necessary to follow the evaluation of the new observatory created to watch upon the application of the law, under the authority of the CSA.

Even if legal mechanisms regarding the protection of confidential sources are in place, several journalists have been summoned by the General Directorate of Internal Security (DGSI). This behaviour could jeopardise the legal right of source protection and could also affect the daily work of journalists. The Secret Trade law is also an important issue for the whistleblowers.

A study from the French defender of the rights of consumers, *UFC-Que choisir*, shows that the “good broadband” is not accessible to 19.1% of the population or 12.8 million consumers. It will be important to check if the objectives of the 2013 *Plan France très haut débit* (access to “good broadband for all”, at least 8 Mb/s, in 2020) are executed.

According to the observations of ARCEP, the agency in charge of regulating telecommunications in France, there is no suspicion of any traffic management contrary to net neutrality.

Market plurality

Although the law guarantees the disclosure of media ownership, there are no reports nor commissions that follow its application in the case of article 19. Moreover, the obligation only concerns the ownership that possesses equal or more than 5% of the capital. The worries are focused on the lack of information about the activities more than on the identity of the ownership.

The horizontal concentration has been difficult to evaluate since there has been a lack of data concerning the number of journalists working in the digital sector and its revenues. Also, in the case of “Pure players”, the number does not give visibility on the quantity of news titles and missing titles, nor is it indicative of their viability. It is important to add that economic models are extremely diverse because they are still experimental in terms of their profitability. A study of their economy would be necessary to evaluate their impact in the media landscape. The online media possible concentration issues are not considered important enough for the government yet. However, this lack of interest could lead to an important concentration of media.

Since 2017, the French authorities have defended the introduction of a GAFA tax. This tax is intended to be applied until a reform is adopted at the OECD level (late 2020). The polarisation of digital advertising around the Google and Facebook duopoly justifies the manoeuvres announced by media groups in order to share their different advertising agencies by trying to counter the exponential growth of the two giants of the sector.

In 2016, advertising net revenue from media was estimated at 10.7 billion euros. It seems that even though the global audience of Press sites and applications increased the total number of visits by almost 11% between 2016 and 2017, estimated digital advertising revenue of press players would have decreased by 2% during the same period of time.

Public funding of the press in France is understood as a guarantee to pluralism. Support schemes to the press are very important and several of them are applied in the form of direct and indirect support. A relevant fact and a unique decision in the online news landscape is that *Mediapart*, independent French online investigative and opinion journal, has created a free press fund gathered in the Association for the Right to Know that will protect the economic future and the editorial independence of *Mediapart* by holding its capital through an intermediary structure, the *Mediapart Society for the Protection of Independence*.

Political independence

There is no evidence of political control over the main digital native media. After the launch of *Le Media* last year, this new native digital media's independence was questioned by several French media because of the proximity of links between its founders at the direction of the political party "La France Insoumise". However, these cases are rare and do not affect leading media.

Political advertising online and on social media is regulated by Article 52-1 of the Electoral Code, which states that during the six months preceding the first day of the month of an election and until the date of the ballot where it is acquired, the use for purposes of electoral propaganda of any process of commercial advertising by the press or by any audiovisual communication means (including the electronic ones) is forbidden. The prohibition to broadcast advertising for propaganda purposes excludes the commercial listing of an electoral site on a search engine, but not the creation of a site accessible only to voters who voluntarily connect to it.

The implementation of the Anti Fake News Law puts further regulation for transparency in electoral periods in place. Digital platforms (Facebook, Twitter, etc.) are subject to transparency obligations when they distribute content for those

that exceed a certain volume of connections per day, since they must have a legal representative in France and make their algorithms public.

Social inclusiveness

The need for a regulatory framework to fight hate speech in social media has been widely and explicitly debated in France. A project of law is being discussed in the French Senate since July 2019. The approval of this law would require platforms and search engines to remove, within 24 hours, hateful content that targets a person or a group of people because of their ethnicity, religion, sexual orientation or disability, among others, and to declare to the CSA their engagement against the hate speech. However, certain specialists denounce that the project of law gives the role of arbiters to the platforms and would open the door to a generalisation of the censorship.

According to a recent study, 3/4 of French users of the internet are reactive against hate speech. They prefer blocking or signalling inappropriate contents rather than contacting the sanctioning authorities or engaging in a dialogue with the author of the content. Efforts to identify and recognise hate speech are hard to implement, in the first place, due to a complex definition of this concept. French society is very alert regarding these discourses but their identification and denouncement are not always effective. An example is the case of the journalist *Éric Zemmour*, who has repeatedly pronounced discourses that incite intolerance against immigrants, Muslims, homosexual people and others. Zemmour has got regular spaces in CNews: "Face à l'info", "Zemmour et Naulleau" (M6). Last October in the Right Convention, he gave a speech that involved many statements inciting hate to Muslims and immigrants, and it was retransmitted live by LCI.

5. Conclusions

Media pluralism in France during the last two years has been marked by the increasing complexity of the evolution of digital environments, the regulation attempts to cope with this complexity and the challenges for the exercise of journalism in a tense political context framed by the Yellow Vests movement.

In the frame of these protests, new cases of violence against journalists overshadow the pillars of a pluralist climate of information. As a consequence, the online and offline safety of journalists has been an important matter that will have to be followed-up, together with the secret of sources.

The results of the research evidence that the current media ecosystem is not adapted to the increasing media digitalisation yet. Although new news products, such as “pure-players”, have appeared along audiovisual platforms to compete against the private platforms, the sector does not find the way to entirely manage the changes.

The market plurality situation is getting worse but the lack of data does not benefit the assessment. The consumption of the news via social networks and aggregators is as much a concern as the dominator’s position of Facebook and Google for the advertising market, along with the local news media concentration. Although the Competition Authority will make new decisions adapted to the digital environment, the government should consider the update of the law in relation with the activities of the ownerships.

Next spring, a new audiovisual law will create a new holding that merges all the PSM together. In addition, Arcom, the result of the merge between the CSA with Hadopi (public anti-piracy agency), will regulate online platforms, fight hate content on networks and improve the fight against piracy.

New regulations on the field include the Law known as “Anti Fake News”, which imposes limits to the power of big online platforms and encourages engagements, from the same players, to guarantee transparency through political interest information online. Its application is not exempt from pitfalls, as it gives new powers of censorship to big online platforms. At the same time, a new project of law aimed at fighting hate speech has been discussed for some months without a definite approval. The complexity of defining who would be able to filter and censor uncountable online contents is a major constraint to the regulation of the digital arena.

Several conflicts reveal the difficulties of French society to face problems related to the nature of digital environments. Particularly, the period has witnessed debates around the limits to the freedom of speech online and the boundaries between the public and private life of political actors.

6. References

- Cage, J., Godechot, O., Fize, E., & Porras, M. C. (2017). Who Owns the Media?: The Media Independence Project (No. info: hdl: 2441/5ej8oq8p589tbq524jeiieb7cl). Sciences Po. Available at: <https://ideas.repec.org/p/spo/wpmain/infohdl2441-5ej8oq8p589tbq524jeiieb7cl.html> (Accessed 30 January 2020)
- International Federation of Journalists (2018) IFJ global survey shows massive impact of online abuse on women journalists. Available at: <https://www.ifj.org/media-centre/news/detail/article/ifj-global-survey-shows-massive-impact-of-online-abuse-on-women-journalists.html> (Accessed 30 January 2020)
- LOI n° 2016-1691 du 9 décembre 2016 relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique (J.O) Available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033558528&categorieLien=id> (Accessed 30 January 2020)
- LOI n° 2010-1 du 4 janvier 2010 relative à la protection du secret des sources des journalistes. Available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000021601325&categorieLien=id> (Accessed 30 January 2020)
- Loi n° 89-25 du 17 janvier 1989 modifiant la loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication. Available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000321869> (Accessed 30 January 2020)
- Newman, N., Fletcher, R., Kalogeropoulos, A., & Nielsen, R. (2019). Reuters institute digital news report 2019 (Vol. 2019). Reuters Institute for the Study of Journalism: France Report. Available at: <http://www.digitalnewsreport.org/survey/2019/france-2019/> (Accessed 30 January 2020)
- Reporters without Borders (2018) RSF publishes report on online harassment of journalists Available at: <https://rsf.org/en/news/rsf-publishes-report-online-harassment-journalists> (Accessed 30 January 2020)

ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2020 CT Leader
Geisel	García Graña		CEVIPOF; Sciences Po Paris	X
Marjorie	Grassler	Research Assistant	CEVIPOF; Sciences Po Paris	
Thierry	Vedel	CNRS Senior Research Fellow	CEVIPOF; Sciences Po Paris	X

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
Hélène	Alex	Coordinator	Les Pieds dans le Paf - Association of media literacy
Michèle	Léridon	Membre	Conseil supérieur de l'audiovisuel

